

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of)	
)	
Telecommunications Relay Services and)	
Speech-to-Speech Services for Individuals)	
with Hearing and Speech Disabilities)	CC Docket No. 98-67
)	CG Docket No. 03-123
AT&T Petition for Reconsideration and)	
Limited Waiver)	
)	
Verizon Petition for Reconsideration)	

**REPLY COMMENTS OF
THE NEW YORK STATE TELECOMMUNICATIONS ASSOCIATION, INC.**

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October 30, 2003

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On October 8, 2003, the Federal Communications Commission ("Commission") solicited comments on the petitions for reconsideration filed by AT&T Corporation and Verizon regarding the handling of emergency calls at telecommunications relay centers.¹ The companies had filed their petitions to object to the Commission's decision requiring all telecommunications relay service ("TRS") facilities to be able to pass emergency callers to the appropriate Public Safety Answering Point ("PSAP") within 12 months of the *Order*'s publication.²

¹ *AT&T Corp. and Verizon File Petitions for Reconsideration of Telecommunications Relay Service Requirements from the Second Improved TRS Order and NPRM, FCC 03-112*, CC Docket No. 98-67, CG Docket No. 03-123, DA 03-3109 (Released October 8, 2003).

² *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, CC Docket No. 98-67, CG Docket No. 03-123, FCC 03-112 (released June 17, 2003), at pp. 24-25. ("*June 17, 2003 Order*")

The New York State Telecommunications Association, Inc. (“NYSTA”) submits these Reply Comments in support of Verizon’s petition. NYSTA is a non-profit association incorporated in 1921 whose membership includes all of the incumbent local exchange carriers operating in New York State (including Verizon) as well as several competitive local exchange carriers, interexchange carriers, and Internet service providers. The local exchange carrier members of NYSTA are all responsible for the provision of relay service and are, thus, directly affected by the Commission’s decision in its June 17, 2003 *Order*.

The June 17, 2003 *Order* addressed several issues regarding relay service. Among these issues was a directive that TRS emergency call routing must be made to “the appropriate PSAP” and be the “functional equivalent” of a non-disabled user’s 911 call; that is, that it must go to the same PSAP as if the caller had dialed 911 directly.³

In its petition, Verizon argued that 911 call centers can already handle TTY calls and can provide assistance even if the caller is unable to communicate; therefore, the functional equivalent mandates of the Americans with Disabilities Act (“ADA”) are met.⁴

Additionally, Verizon stated that emergency calls made to a TRS facility are the functional equivalent of an 0- emergency call. These are considered “back-up” emergency calls for when the user forgets to dial 911 and both the relay center

³ *June 17, 2003 Order*, at p. 24.

⁴ Pub. L. No. 101-336 §401, 104 Stat. 327, 336-69 (1990), adding Section 225 to the Communications Act of 1934, as amended.

communications assistants and the telephone operators are trained to forward such calls to a PSAP. While there is no guarantee that calls will be forwarded to the same PSAP as the customer would have reached if the caller had dialed 911 directly, such a requirement has never been mandated for telephone operators. Accordingly, no such requirement should be placed on the relay center, which should be permitted to continue to route emergency calls it receives to “an” appropriate PSAP, rather than to “the” appropriate PSAP.

Further, if required to do so, Verizon argued that the costs to develop and maintain the necessary databases to know which PSAP is “the” appropriate one for every customer would be exceedingly expensive and could not be completed within the one year time frame announced by the Commission.

NYSTA supports Verizon’s position regarding the functional equivalency of 911 calling. Calls to the relay center are intended to be a secondary method of access -- just as when any user dials “0” and reports an emergency. Relay providers should not be required to invest in duplicative databases and systems to route these “back up” emergency calls as the functional equivalent of a direct-dialed 911 call. Thus, we believe, there is no need for further requirements at this time.

Relay users, by law, have access to emergency services on a functionally equivalent basis in that all PSAPs are required to handle TTY calls appropriately. Even assuming, *arguendo*, that relay centers were required to route emergency calls to “the

appropriate PSAP,” this form of access cannot be considered functionally equivalent. An emergency call routed via the non-dedicated switching network to a relay center and with the assistance of a third-party relay operator can never be as efficient as dialing 911 directly. This is especially true in areas served by enhanced 911 systems which can automatically determine a caller’s location should the caller become incapacitated. It is for the above reasons that NYSTA supports Verizon’s petition.

Accordingly, NYSTA urges the Commission to grant Verizon’s petition to amend its *June 17, 2003 Order* regarding the functional equivalency of TRS emergency calls and appreciates the opportunity to share its comments in this proceeding.

Respectfully submitted,

**NEW YORK STATE TELECOMMUNICATIONS
ASSOCIATION, INC.**

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